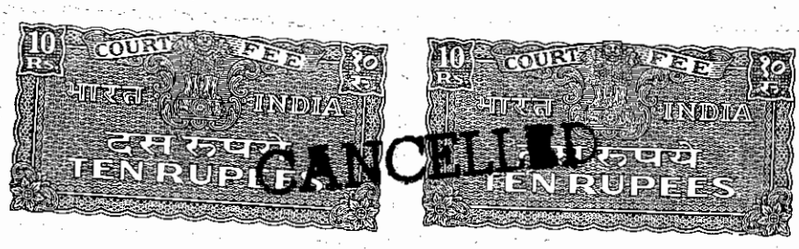

(4)

fresh

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 2212/2003

PETITIONER : Sanat Kumar Kashyap, S/O Shri Kapil Nath Kashyap, aged 40 years R/O Vill-Konargarh, Tah-Pamgarh, Dist-Janjgir-Champa (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh Through Secretary General Administration Department, D.K.S. Bhawan Raipur (C.G.)

2. Collector, Janjgir-Champa (C.G.)

P. R. No. 9025/03
Presented by Shri/Smt. Meena Shastri
dated 23.12.03

PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2212/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25-8-2003

Smt. Meena Shastri, counsel for the petitioner.

Shri Sanjay K. Agrawal, Deputy Advocate General takes notice for the State/respondents.

By this petition filed under Article 226/227 of the Constitution of India, [redacted] an order from this Court directing the respondent No.1 to absorb the petitioner in any vacant appropriate available post or to workout a scheme to absorb the petitioner in the appropriate employment, as per the petitioner's petition the petitioner was appointed in the Census Department as a compiler on contract of specified durations by the competent authority and he worked from 1-3-1991 to 30-4-1992 and his work and conduct during that period was satisfactory.

The petitioner has been retrenched after completion of the specified period. The State of Madhya Pradesh issued a circular from time to time to the effect that all the employees of the Census Department whose services have been terminated on account of the expiry of the term, they will be treated as surplus employees and they will be given priority in the matter of appointment on the similar posts.

The respondent No.1 has issued a letter stating that the employees of the Census Department will also be counted as surplus employees in the Chhattisgrh State and there will be no need of separate direction. On earlier occasion through the circular dated 27-2-82 all the retrenched employees were absorbed. The authority has also communicated the respondent No.1 about the regularization of these census employees.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2212/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

On the other hand, similarly placed census employees have also been absorbed in the other district like Ambikapur and the fresh candidates are also going to take appointments in the place of the petitioner.

I have heard the learned counsel for the parties.

As has been mentioned in the petition itself that the appointment was on contract basis for a fixed term and on expiry of that term the petitioner's services has been terminated.

The main grievance of the learned counsel for the petitioner is that the petitioner is not being considered even in Census Department. Some other appointments are being taken place.

The learned counsel for the petitioner placed reliance on decision of the Apex Court reported in **AIR 1999 SUPREME COURT 2202 (Govt. of Tamil Nadu and another Vs. G. Mohamed Ammenuddin & Others)** in which the Hon'ble Apex Court issued directions that the Government should work out a scheme to absorb these employees in appropriate employments. It would be appropriate for the Government to work out a scheme to absorb these employees in appropriate employment. Let such a scheme be worked out as we think that such a situation occasionally arise. On earlier occasions when such situations had arisen, those who had done similar jobs, had been absorbed in Government service by the appellant. In doing so, the Government may also bear in mind whether the employees can be recruited in the local authorities, quasi-governmental organizations or Government companies.

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2212/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In view of the above directions given by the Hon'ble Apex Court, the Government of Chhattisgarh may also consider for absorbing the surplus employees who Had worked under the Census Department in the light of the direction given by the Hon'ble Apex Court and the petitioner is at liberty to approach the Government for absorption and on his moving, the Government of Chhattisgarh, the Department of General Administration may consider his representation appropriately.]

In view of this order, M.(W.)P. No. 1999/2003 and I.A. No. 6792/2003 stand disposed of.

With these observations, the writ petition is disposed of.

Sd/-
L.C.BHADOO
Judge

Barrel

[पीछे देखिये